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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91181915
Party	Defendant Dal-Con Promotions, Inc.
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Date	02/25/2008
Attachments	Answer to Notice of Opposition.pdf (6 pages)(197192 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No. 78/956857

For the Mark: **LAUGHLIN 2008**

In the name of Dal-Con Promotions, Inc.

Published: September 25, 2007

GOOD SPORTS, INC.

Opposer,

v.

Opposition No. 91181915

DAL-CON PROMOTIONS, INC.,

Applicant.

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

ANSWER TO NOTICE OF OPPOSITION

DAL-CON PROMOTIONS, INC. (hereinafter, “Applicant”), a California corporation with offices located at 16 Technology Drive, Suite 141, Irvine, California 92618, is the owner of United States Trademark Application Serial No. 78/956857 (hereinafter, the “Application”) for the mark, LAUGHLIN 2008 (hereinafter, “Applicant’s Mark”), published for opposition on September 25, 2007. Applicant, by and through its attorneys, answers the allegations set forth by GOOD SPORTS, INC. (hereinafter, “Opposer”), as follows:

1. Applicant admits that it is the owner of U.S. Trademark Application Serial No. 78/956857 for Applicant's Mark, filed on an "intent-to-use" basis for use on the goods identified in the application in Classes 16, 25 and 26 (hereinafter, "Applicant's Goods"). Applicant denies that it has filed or is the owner of any application ending in "...636" as identified in Paragraph 1 of the Notice of Opposition. Applicant admits that it is not currently selling items under the mark LAUGHLIN 2008.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of the Notice of Opposition and therefore denies any and all allegations therein.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition and therefore denies any and all allegations therein.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4 of the Notice of Opposition and therefore denies any and all allegations therein.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 5 of the Notice of Opposition.

6. Applicant admits the allegations set forth in Paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations set forth in Paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations set forth in Paragraph 8 of the Notice of Opposition.

9. Applicant admits the allegations set forth in Paragraph 9 of the Notice of Opposition.

10. Applicant admits that “2008” is a year date, as it refers to a motorcycle event to be offered in the year 2008, and which has been disclaimed in the Application. Applicant denies any and all remaining allegations set forth in Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations set forth in Paragraph 11 of the Notice of Opposition.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations set forth in Paragraph 13 of the Notice of Opposition.

14. Applicant admits that “2008” is a year date, as it refers to a motorcycle event to be offered in the year 2008, and which has been disclaimed in the Application. Applicant further admits that the number “2008” is also an ordinary whole number. Applicant denies any and all remaining allegations set forth in Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations set forth in Paragraph 15 of the Notice of Opposition.

16. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 16 of the Notice of Opposition.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 17 of the Notice of Opposition and therefore denies any and all allegations therein.

18. Applicant admits that Applicant's Mark and the marks identified in U.S. Registration Nos. 3169273, 3169274, 3174416, and 3174418 are not identical; however, each of the marks identified in U.S. Registration Nos. 3169273, 3169274, 3174416, and 3174418 incorporate the term LAUGHLIN with a year date. Applicant denies any and all remaining allegations set forth in Paragraph 18 of the Notice of Opposition.

19. Applicant denies the allegations set forth in Paragraph 19 of the Notice of Opposition.

20. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 20 of the Notice of Opposition.

21. The term "substantial" has not been defined and therefore Applicant is unable to respond to the allegations set forth in Paragraph 21 of the Notice of Opposition. Applicant, however, is not aware of any use of the term LAUGHLIN in conjunction with goods in Classes 16, 25 and 26 that is prior in time to Applicant's first use of the term. Applicant is aware of unauthorized use of the term LAUGHLIN that infringes upon Applicant's prior trademark rights and that are used for the purpose of diverting business from Applicant's annual motorcycle event held in Laughlin, Nevada, thereby causing damage to Applicant's business and diluting the strength of Applicant's marks. Applicant denies any and all remaining allegations set forth in Paragraph 21 of the Notice of Opposition.

22. Applicant is not aware of any use of the term LAUGHLIN in conjunction with goods in Class 16, 25 and 26 that is prior in time to Applicant's use of the term. Applicant is aware of instances of unauthorized use of the marks incorporating the term LAUGHLIN that infringe upon its prior trademark rights. Applicant denies any and all remaining allegations set forth in Paragraph 22 of the Notice of Opposition.

23. Applicant does not deny the allegations set forth in Paragraph 23 of the Notice of Opposition and admits Opposer has been an unauthorized user of Applicant's marks. Applicant has consistently put Opposer on notice of its infringing activities.

24. Applicant denies the allegations set forth in Paragraph 24 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

In further answer to the Notice of Opposition, Applicant asserts the following:

25. Upon information and belief, the Notice of Opposition, and each cause of action thereof, fails to state a claim under which relief can be granted against Applicant.

26. Opposer's request for relief is barred by the equitable doctrine of waiver.

27. Opposer's request for relief is barred by the equitable doctrine of estoppel.

28. Opposer's request for relief is barred by the equitable doctrine of laches.

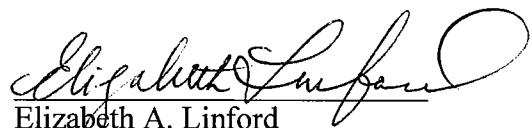
29. Opposer's request for relief is barred by the equitable doctrine of unclean hands.

RELIEF REQUESTED

WHEREFORE, Applicant requests that the Board deny the Notice of Opposition and that Trademark Application Serial No. 78/956857 be allowed for registration.

Date: February 25, 2008

Respectfully Submitted,




Elizabeth A. Linford
Attorney for the Applicant
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CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office via ESSTA (*Electronic System for Trademark Trials and Appeals*) on the date identified below.

Dated: February 25, 2008

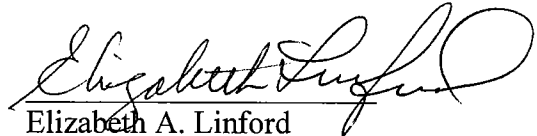

Elizabeth A. Linford

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** has been served on Mario G. Ceste, Esq. counsel for Opposer, on this 25th day of February, 2008, via First Class Mail, postage prepaid to:

Mario G. Ceste, Esq.
Law Offices of Mario G. Ceste LLC
P.O. Box 82
Wallingford, Connecticut 06492

Dated: February 25, 2008


Elizabeth A. Linford